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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,913	02/15/2005	Charles Daniel	024794-00003	3635
4372	7590	09/08/2005	EXAMINER	
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			NEWTON, JARED W	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*HC*

# Office Action Summary

Application No.

10/501,913

Applicant(s)

DANIEL, CHARLES

Examiner

Jared W. Newton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 4-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 26 July 2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because:
  - a. Figure 5 references two separate drawings of two separate embodiments.
  - b. Reference characters L and N of Figures 7, 8, and 10 are not in the specification.
  - c. Figures 8, 9, and 10 are not clearly defined in the specification.

Specifically, the details of the lower portions of said drawings (referring to reference character C) are not discussed, and reference characters L and N are not defined as set forth above. The drawings should be eliminated or defined in view of the subject matter of the specification.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The applicant is reminded that no new subject matter should be added to the claims or specification. The objection to the drawings will not be held in abeyance.

### *Specification*

3. Applicant is reminded of the proper content of an **abstract** of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly

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those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

An abstract meeting the above requirements is required on a separate sheet of paper.

4. The **title** of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The disclosure is objected to because of the following informalities:

- a. Any instance of "not-shown" subject matter is not claimable, and should be eliminated from the disclosure. (see pg. 9, ln. 2 and 25; pg. 11, ln. 7 and 29). The applicant should suggest that not-shown matter comprises *possible* connections to or configurations of the present invention, but should not discuss said matter as though it is part of the present invention when said matter is not shown in the drawings.
- b. The word "pan" in line 13 of pg. 11 should be --span--.
- c. "Link wires (I)" recited in line 2 of pg. 12 are either misrepresented or not shown in the drawings.
- d. The word "intance" in line 19 of pg. 14 should be --instance--.

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Appropriate correction is required.

### ***Claim Objections***

6. Claims 4-11 are objected to under 37 CFR 1.75(c) as being in improper form because of multiple dependent claims 4,6,8, and 11. See MPEP § 608.01(n). A claim may not depend on a range of preceding claims.
7. Claims 4 and 6 are objected to because of the following informalities:
  - a. The claim language is unclear. Specifically, the applicant recites, "said at least one support member has a main supporting structure..." This language teaches away from the disclosure in that it claims the support member as comprising a supporting structure. The disclosure teaches a supporting structure comprising a plurality of support members. The claim should clearly reflect that teaching. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 5, 7, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 5 and 7 do not particularly disclose any new subject matter that is not already included in claims 4 and 6, respectively. The recitation, "an electrically conductive element carried by...main structure" of claim 4 is analogous to the recitation, "electrically conductive element is housed within said main support structure" of claim 5. Likewise, claim 7 does not further limit claim 6.

Regarding claim 11, the phrases "any kind whatsoever" and "any other system" render the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by noted phrases), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,527,406 to Slesinger et al.

12. In regard to claim 1, Slesinger discloses a system comprising:

- At least one shelf 32
- Support structure 10 formed by support members 12
- An electrical component 26

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- Two discrete electrical paths (see FIG. 2) connected to component

13. In regard to claim 2, Slesinger discloses said electrical paths connected between poles of said component and a power source 15 to power said component.

14. In regard to claim 3, Slesinger discloses:

- At least two shelves-type structures 18 and 22
- At least three support members 12
- Two discrete electrically conductive paths connected to components

15. In regard to claim 4, Slesinger discloses said support structure being electrically conductive, and a second electrically conductive element 53 insulated from said support structure (see FIG. 2).

16. In regard to claim 5, Slesinger discloses said conductive element being housed in said support structure (see FIG. 2).

17. In regard to claim 6, Slesinger discloses said electrically conductive elements insulated from each other and carried by said support structure (see FIG. 2).

18. In regard to claim 7, Slesinger discloses said conductive elements housed within said main support structure.

19. In regard to claim 8, Slesinger discloses two electrical components 18 and 22 powered by a common electrical path 44 (see FIGs. 1 and 2).

20. In regard to claim 9, Slesinger discloses shelf structures 18 and 22 mounted one above the other.

21. In regard to claim 11, Slesinger discloses a light source 26 and a power supply 15 (see FIG. 1).

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22. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,771,583 to Ball.

In regard to claim 1, Ball discloses a space divider system comprising at least one shelf or cantilever work surface 81, a support structure 40 having at least two support members 42, and an electrical component 60 mounted on the support member (see FIGs. 1 and 2). Ball further discloses at least one of said support members 42 being arranged to provide two discrete electrically conductive paths 44 and 46, at least one of which is electrically connected to the electrical component 60 to form part of an electrical circuit to power the electrical component (see FIG. 1). Ball recites, "The electrical ducts 44 and 46 which are stacked one on top of the other on top of the beam 40 are provided access through or around the leg [42]" (see FIGs. 3 and 7).

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over '406 to Slesinger in view of U.S. Patent No. 5,881,500 to Latino et al.



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In regard to claims 10 and 12, Slesinger discloses a structure including all of the limitations of claims 1-9 and 11, but fails to disclose side-by-side or back-to-back shelving. Latino discloses a powered work space system comprising both side-by-side shelves 18, and back to back shelves 16 (see FIG. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the structure as disclosed by Slesinger with the shelving as disclosed by Latino. The motivation for said combination would be to continuously display many similar items on said shelves at a common eye level, or to display one long item at a specific level.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,231,205 B1 to Slesinger et al.

U.S. Patent No. 6,751,913 B2 to Marrotte et al.

U.S. Patent No. 5,116,235 to Nienhuis

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN

  
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